

AMENDED IN SENATE MARCH 8, 2010

**SENATE BILL**

**No. 945**

**Introduced by Senator Liu**

*(Principal coauthor: Assembly Member Jones)*

February 3, 2010

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~~An act to amend Section 18961.5 of the Welfare and Institutions Code, relating to child abuse and neglect. An act to add Section 607.5 to the Welfare and Institutions Code, relating to children.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Liu. ~~Child abuse and neglect: information: computerized database. Juvenile court jurisdiction: services and benefits.~~

*Existing law provides that a minor may be adjudged a dependent child or a ward of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian in foster care among other placements, as specified. Existing law provides for the termination of the juvenile court jurisdiction when the minor reaches a specified age.*

*This bill would require a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a facility that is not a foster care facility, to provide to the person a written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, and information that informs the person of the availability of, and assistance to enable the ward to apply for, and gain acceptance into, federal and state programs that provide independent living services and benefits*

to former foster children for which the person is or may be eligible. The bill would make related findings and declarations.

By imposing additional duties upon probation officers, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law authorizes a county to establish a computerized data base system within the county to allow designated provider agencies, as defined, to share identifying information regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams.~~

~~This bill would revise the list of provider agencies authorized to share information regarding families at risk for child abuse or neglect, including adding specified courts and the Department of Justice sex offender database.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) "Dual status" children are children who are simultaneously
- 4     designated as dependents and wards of the juvenile court.
- 5     (b) There are instances where these children remain in juvenile
- 6     justice confinement beyond their sentence because there is no
- 7     available foster care housing or placement for them.
- 8     (c) As a result, dual status children are sometimes released from
- 9     the juvenile justice system instead of the dependency system when
- 10    they age out at 18 years of age.
- 11    (d) In order to prevent dual status children from committing
- 12    criminal offenses as adults and to encourage their academic
- 13    success, it is incumbent upon the Legislature to remove barriers
- 14    that deter achievement.

1     (e) A significant barrier to the success of former dual status  
2 children is that they are often not properly informed of their  
3 eligibility for existing independent living programs, coupled with  
4 the difficulty of proving that they are former foster children in  
5 order to qualify for these programs.

6     SEC. 2. Section 607.5 is added to the Welfare and Institutions  
7 Code, to read:

8     607.5. (a) Notwithstanding any other provision of law,  
9 whenever the juvenile court terminates jurisdiction over a ward,  
10 or upon release of a ward from a facility that is not a foster care  
11 facility, a probation officer or parole officer shall provide the  
12 person with both of the following:

13     (1) A written notice stating that the person is a former foster  
14 child and may be eligible for the services and benefits that are  
15 available to a former foster child through public and private  
16 programs, including, but not limited to, any independent living  
17 program for former foster children.

18     (2) Information that informs the person of the availability of,  
19 and assistance to enable the person to apply for, and gain  
20 acceptance into, federal and state programs that provide  
21 independent living services and benefits to former foster children,  
22 including, but not limited to, financial assistance, housing, and  
23 educational resources, for which he or she is or may be eligible.

24     (b) This section shall apply to any ward who was previously  
25 adjudged a dependent child of the court pursuant to Section 300  
26 or a child who at any time has been placed in foster care pursuant  
27 to Section 727.

28     SEC. 3. If the Commission on State Mandates determines that  
29 this act contains costs mandated by the state, reimbursement to  
30 local agencies and school districts for those costs shall be made  
31 pursuant to Part 7 (commencing with Section 17500) of Division  
32 4 of Title 2 of the Government Code.

33     ~~SECTION 1. Section 18961.5 of the Welfare and Institutions~~  
34 ~~Code is amended to read:~~

35     ~~18961.5. (a) Notwithstanding any other provision of law, a~~  
36 ~~county may establish a computerized data base system within the~~  
37 ~~county to allow provider agencies, as defined in subdivision (h),~~  
38 ~~to share identifying information, as specified in subdivision (c),~~  
39 ~~regarding families at risk for child abuse or neglect, for the purpose~~  
40 ~~of forming multidisciplinary personnel teams, as defined in~~

1 subdivision (d) of Section 18951, for the prevention, identification,  
2 management, or treatment of child abuse or neglect.

3 ~~(b) Each county shall develop its own standards for defining~~  
4 ~~“at risk” before joining this system. Only information about~~  
5 ~~children or the families of children at risk for child abuse or neglect~~  
6 ~~may be entered into a computerized data base system established~~  
7 ~~pursuant to this section.~~

8 ~~(c) With regard to a case in which a child or family has been~~  
9 ~~identified as at risk for child abuse or neglect under this section,~~  
10 ~~only the following information shall be entered into the system:~~

11 ~~(1) The name, address, telephone number, and date and place~~  
12 ~~of birth of family members.~~

13 ~~(2) The number assigned to the case by each provider agency.~~

14 ~~(3) The name and telephone number of each employee assigned~~  
15 ~~to the case from each provider agency.~~

16 ~~(4) The date or dates of contact between each provider agency~~  
17 ~~and a family member or family members.~~

18 ~~(d) The information may only be entered into the system by, or~~  
19 ~~disclosed to, provider agency employees designated by the director~~  
20 ~~of each participating provider agency. Members of the~~  
21 ~~multidisciplinary personnel teams shall be drawn from these~~  
22 ~~designated employees, or other persons, as specified in Section~~  
23 ~~18961. The heads of provider agencies shall establish a system by~~  
24 ~~which unauthorized personnel cannot access the data contained in~~  
25 ~~the system.~~

26 ~~(e) The information obtained pursuant to this section shall be~~  
27 ~~kept confidential and shall be used solely for the prevention,~~  
28 ~~identification, management, or treatment of child abuse, child~~  
29 ~~neglect, or both.~~

30 ~~(f) This section shall not supplant any duties required by the~~  
31 ~~Child Abuse and Neglect Reporting Act (Article 2.5 (commencing~~  
32 ~~with Section 11164) of Chapter 2 of Title 1 of Part 3 of the Penal~~  
33 ~~Code).~~

34 ~~(g) An employee of a provider agency that serves children and~~  
35 ~~their families shall not be civilly or criminally liable for furnishing~~  
36 ~~or sharing information as authorized by this section.~~

37 ~~(h) For the purposes of this section, “provider agency” means~~  
38 ~~any governmental or other agency that has as one of its purposes~~  
39 ~~the prevention, identification, management, or treatment of child~~  
40 ~~abuse or neglect. The provider agencies serving children and their~~

- 1 families that may share information under this section shall include,  
2 but not be limited to, the following entities or service agencies:  
3 (1) ~~Social services.~~  
4 (2) ~~Children's services.~~  
5 (3) ~~Health services.~~  
6 (4) ~~Mental health services.~~  
7 (5) ~~Probation, including all child-related data.~~  
8 (6) ~~Law enforcement.~~  
9 (7) ~~Schools.~~  
10 (8) ~~Children's courts.~~  
11 (9) ~~Juvenile courts.~~  
12 (10) ~~Delinquency courts.~~  
13 (11) ~~Dependency courts.~~  
14 (12) ~~Family courts.~~  
15 (13) ~~Department of Justice sex offender database.~~